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France is greatly interested in our guarantee of their future security after the changes that have taken place in the West Indies and from which they may have still reason to apprehend detriment. It is not therefore wonderful at the delay of the ratification, nor should we be surprised if she consents to purchase it by the restoration of our insured vessels.

But the apprehensions of Mr. Livingston were not unfounded. France ratified the convention as amended, declaring that the ratificament of the 2d article should operate as a release or renunciation of the respective claims of the parties. So that we, in the first place, took

on convention, and those discharged from all obligations, and those who, in violation of the convention, are taken from any possible right which might be claimed by the United States, are not subject to the treaties and convention. Our discharge of the convention sanctified her acts, and effectually appropriated her property to a great public object. On every point, the objection now before us must fail, and the obligation to observe the convention, as to some extent at least, must become complete, unless some other cause can be assigned than want of consideration for the case of France?

It will be said that the relations of the two countries became belligerent, or that the war in part existed, because the States of the Union refused to comply with the demands of France, and that, in consequence of this dissatisfaction, is not now liable to the claim of satisfaction. I say, that if we had in reality declared war against France to obtain redress, had prosecuted it with every vigor, and had failed to obtain justice for the demands, our government could not be justly held liable to any nation. I would be content to close with the claim of satisfaction, and to leave the government for an indefinite unreasonable period, to redress the wrong of the citizens. But in case of a war de *jure* et de facto, if government use or appropriate claims such as these, secure to itself or other citizens collateral advantages in a treaty of peace, then it is bound to make indemnity.

Was there a war? If so, it was a maritime war, in which the belligerents would have been found engaged in capturing each other's ships, both public and private, armed and unarmed, as opportunity presented. It is well known that the United States did not authorize the capture of the ships of France, and that the right of prize, this right or authority was conferred on American privateers; nor were such captures made in fact. This would constitute a singular maritime war.

It will not be pretended that the United States entered a war against France, or recognized a war as existing with her, with a view to the satisfaction of her claims. But it will be said that certain acts of force were authorized by our government, which were tantamount to war. On the other hand, I insist that these measures

indiscriminate hostilities—stopped far short of war—that neither party supposed war existed, and never thought of making, and did not make a treaty of peace.

by Congress. Were they defensive or otherwise by Congress as follows:

1. An act to prohibit the export the commerce and coast of the United States, approved May 23, 1793—*Vide Laws of the United States, vol. 3, p. 54.*

This act only authorized the public armed vessels of the United States to seize, take, and bring into our ports and harbors, any vessel which had committed piracy, or which were found hovering on our coast for the purpose committing depredations on the vessels of our citizens, to retake any American ship or vessel which had been captured by any such armed vessel.

2. An act to suspend commercial intercourse between Great Britain and France and the dependencies there, approved June 13, 1793—*Vide Laws of the United States, vol. 3, p. 59.*

The object of this act and many of its details are situated in connection with the idea of existing war between the two countries. Could our Congress be so absurd as to suspend commercial intercourse in the midst of a hot war?

3. An act to authorize the defence of the merchants of the United States against French depredations, approved June 25, 1793—*Vide Laws of the United States, vol. 3, p. 59.*

An act to declare the treaties heretofore concluded with France no longer obligatory on the United States, approved July 7, 1798.—Vide *Laws of the United States*, 3, p. 76.

An act further to protect the commerce of the United States, approved July 9, 1795.—*Vide Laws of the United States, vol. 3, p. 70.*

This act only authorizes the capture of French armed vessels by the public and private armed vessels of the United States, and the recapture of American vessels had been or should be taken by the French. In other respects, the French flag could not be treated as an enemy with impunity. No reprisals were authorized, since merchant vessels were not to be assailed any more.

An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof, approved February 9, 1796.—*Vide*

An act giving eventual authority to the President of the United States to augment the army, approved March 799.—Vide Laws of the U. S., vol. 3, p. 261.

ty by any such power shall, in his opinion, be dignified to exist," to organize and cause to be raised a force therein specified. Every one knows that the "European power" referred to was France. All cases of difference between us and Great Britain had been settled by treaty, and the only one that was not was, at the date of this act, its height. Hence, we have a legislative recognition of the fact that no war had occurred between the two countries up to the 17th of March, 1799.

Our act to suspend in part an act entitled "An act to augment the army of the United States, and for other purposes,"

is enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That all future enactments under the 3d section of an act entitled "An act to

expressed until the further order of Congress, unless, in the progress, and during the continuance of the existing differences between the United States and the French republic, war shall break out between the United States and the French republic, or imminent danger of invasion of their territory by the said republic shall be known of the President of the United States, he discover it." (Approved February 20, 1800.—*U.S. Laws of the U. S., vol. 2, p. 205.*)

It requires some degree of intrepidity for any man to say that a war existed at the date of this act, in face of the explicit language therein contained to the contrary. Yet it did exist then, if at all, and had been declared

place before the passage of the act of the 20th of January, but such collisions were not regarded as warlike either government. They resulted from measures authorized by Congress, on the principle of defence meet- and the United States did not intend to transgress that and France well knew that this was the American

such were the measures adopted by the United States. At the same time, she did not declare war, nor did she ever authorize the capture of the armed vessels of the United States. On the contrary, the moment we assumed a firm and resolute attitude, she changed her policy, and began sedulously to make overtures of friendship with the United States.

On the first of July, 1795, the French Directory received information from the French colonies and the continent of America leaves no room to doubt that the French, or such as call themselves French, have infringed the laws of the republic relative to cruising and piracy: that foreigners and pirates have abused the liberty allowed at Cayenne, and in the West Indian islands,

...in order to cover with the French flag their actions, and the violation of the respect due to the law nations, and to the persons and property of allies and allies," they proceed to lay down and establish a re-

... He was prepared to address the Senate in support of the bill and no doubt would have done so to good purpose, had he not been denied the privileges of the floor on account of the evident desire of the majority to take the question.

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